

APPENDIX C

Rules Cited

APPENDIX C: RULES CITED

Note: Many of the rules provided are at the sub-rule level. You may view the complete rule by accessing the Michigan Air Pollution Control Rules via the Internet at: www.michigan.gov/deq.

Rule 101(o) [R 336.1101(o)]

(o) "**Applicable requirement**" means any of the following as they apply to process or process equipment, including requirements that have been approved as administrative rules under the act pursuant to Act No. 236 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws, and known as the administrative procedures act of 1969, or promulgated by the United States environmental protection agency through final rulemaking at the time of issuance of a permit under the act and which will become effective during the permit term:

(i) A standard or other requirement provided for in the Michigan state implementation plan, as approved or promulgated by the United States environmental protection agency through rulemaking under title I of the clean air act, that implements the relevant requirements of the clean air act, including any revisions to that plan promulgated in 40 C.F.R. part 52.

(ii) A standard or requirement enacted as a part of the act or promulgated in administrative rules pursuant to the act.

(iii) A term or condition of any permit issued pursuant to the act or regulations approved or promulgated through rulemaking under title I, including parts c or d, of the clean air act.

(iv) A term or condition of an order entered pursuant to the act that is necessary to ensure or demonstrate compliance with any other applicable requirement.

(v) A term or condition of a permit issued by the United States environmental protection agency pursuant to title I, subpart c, of the clean air act.

(vi) A term or condition of any permit issued pursuant to the Wayne county air pollution control ordinance, adopted pursuant to the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213.

(vii) A term or condition of an order entered pursuant to the Wayne county air pollution control ordinance, adopted pursuant to the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213, that is necessary to ensure or demonstrate compliance with any other applicable requirement.

(viii) A standard or other requirement under the clean air act, including any of the following:

(A) A standard for the performance of new stationary sources or other requirement under section 111 of the clean air act, including section 111(d).

(B) A standard for hazardous air pollutants or other requirement under section 112 of the clean air act, including any requirement concerning accident prevention under section 112(r)(7) of the clean air act.

(C) A standard or other requirement of the acid rain program under title IV of the clean air act or the regulations promulgated thereunder.

(D) A requirements for enhanced monitoring established pursuant to sections 114(a)(3) or 504(b) of the clean air act.

(E) A standard or other requirement governing solid waste incineration under section 129 of the clean air act.

(F) A standard or other requirement for consumer and commercial products under section 183(e) of the clean air act.

(G) A standard or other requirement for tank vessels under section 183(f) of the clean air act.

(H) A standard or other requirement of the regulations promulgated to protect stratospheric ozone under title VI of the clean air act, unless the administrator of the United States environmental protection agency has determined that the standard or requirement need not be contained in a renewable operating permit required under title V of the clean air act.

(I) A national ambient air quality standard or increment or visibility requirement under part C of title I of the clean air act, but only as it would apply to temporary sources.

Any applicable requirement which results solely from the requirements of the act, the rules promulgated under the act, or the home rule charter for Wayne county, resolution no. 85-305, as amended by resolution no. 89-213, shall not be enforceable under the clean air act.

Rule 103(ee) [R 336.1103(ee)]

(ee) **"Compliance plan"** means a description of the compliance status of a source with respect to all applicable requirements for each process or process equipment as follows:

(i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements.

(ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis.

(iii) For applicable requirements for which the stationary source is not in compliance at the time of permit issuance, a narrative description of how the stationary source will achieve compliance with the requirements.

Rule 113(j) [R 336.1113(J)]

(j) **"Modify"** means making a physical change in, or change in the method of operation of, existing process or process equipment which increases the amount of any air contaminant emitted into the outer air which is not already allowed to be emitted under the conditions of a permit or order or which results in the emission of any toxic air contaminant into the outer air not previously emitted. An increase in the hours of operation or an increase in the production rate up to the maximum capacity of the process or process equipment shall not be considered to be a change in the method of operation unless the process or process equipment is subject to enforceable permit conditions or enforceable orders which limit the production rate or the hours of operation, or both, to a level below the proposed increase.

Rule 118(b) [R 336.1118(b)]

(b) **"Reconstruction"** means the replacement of components of an existing facility so that the fixed capital cost of the new components is more than 50% of the fixed capital cost that would be required to construct a comparable entirely new emission unit and so that it is technologically and economically feasible to meet the applicable requirement.

Rule 118(j) [R 336.1118(j)]

(j) **"Responsible official"** means, for the purposes of signing and certifying the truth, accuracy, and completeness of permit applications, monitoring and other reports, and compliance certifications, any of the following:

(i) For a corporation, a president, secretary, treasurer, or vice-president of the corporation who is in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation. The person identified in the preceding sentence may appoint another person as his or her authorized representative under either of the following circumstances:

(A) The representative is responsible for the overall operation of 1 or more manufacturing, production, or operating facilities applying for or subject to a permit and either the facilities employ more than 250 persons or have gross annual sales or expenditures of more than \$25,000,000.00.

(B) The representative has responsibilities for the overall operation of a source and is approved in advance by the department. A responsible official shall submit a written request for approval from the

department to designate an authorized representatives pursuant to this paragraph. The department shall respond in writing within 30 days of receipt of the request.

(ii) For a partnership or sole proprietorship, a general partner or the proprietor.

(iii) For a county, city, village, township, state, federal, or other public agency, either a principal executive officer or ranking elected official. For this purpose, a principal executive officer includes the chief executive officer who has responsibility for the overall operations of a principal geographic unit of the agency.

(iv) For affected sources under title IV of the clean air act, the designated representative as defined in title IV of the clean air act.

Rule 119(q) [R 336.1119(q)]

(q) **"Stationary source"** means all buildings, structures, facilities, or installations which emit or have the potential to emit 1 or more air contaminants, which are located at 1 or more contiguous or adjacent properties, which are under the control of the same person, and which have the same 2-digit major group code associated with their primary activity. In addition, a stationary source includes any other buildings, structures, facilities, or installations which emit or have the potential to emit 1 or more air contaminants, which are located at 1 or more contiguous or adjacent properties, which are under the control of the same person, and which have a different 2-digit major group code, but which support the primary activity. Buildings, structures, facilities, or installations are considered to support the primary activity if 50% or more of their output is dedicated to the primary activity. Major group codes and primary activities are described in the standard industrial classification manual, 1987. Notwithstanding the provisions of this subdivision, research and development activities, as described in R 336.1118, may be treated as a separate stationary source, unless the research and development activities support the primary activity of the stationary source.

Rule 119(a) [R 336.1119(a)]

(a) **"Schedule of compliance"** means, for purposes of R 336.1201 to R 336.1218, all of the following:

(i) For a source not in compliance with all applicable requirements at the time of issuance of a renewable operating permit, a schedule of remedial measures, including an enforceable sequence of actions or operations that specifies milestones, leading to compliance with an applicable requirement, and a schedule for submission of certified progress reports, at least every 6 months. The schedule shall resemble, and be at least as stringent as, a schedule contained in a judicial consent decree or administrative order to which the source is subject. A schedule shall be supplemental to, and shall not sanction noncompliance with, the applicable requirement on which it is based.

(ii) For a source in compliance with all applicable requirements at the time of issuance of a renewable operating permit, a statement that the source will continue to comply with the requirements.

(iii) With respect to any applicable requirement that has a future effective compliance date that is after the date of issuance and before the date of expiration of the renewable operating permit, the schedule of compliance shall contain a statement that the source will meet the requirement on a timely basis, unless the underlying applicable requirement requires a more detailed schedule.

Rule 204 (R 336.1204) Authority of agents.

Rule 204. When a person files plans and specifications as the agent of an owner, the owner shall furnish the agent with a letter of authorization for filing of the plans and specifications, and this letter shall be submitted with the plans and specifications.

Rule 210 (R 336.1210) Renewable operating permits.

Rule 210. (1) A person shall not operate any emission units located at a stationary source required to obtain a renewable operating permit under R 336.1211, except in compliance with all applicable terms and conditions of a renewable operating permit, unless a timely and administratively complete application for a renewable operating permit has been received by the department in accordance with the following provisions of this rule. The ability to operate the emission units at a stationary source while a timely and administratively complete application is being reviewed and acted upon by the department shall be referred to as the "application shield." The application shield provided by this subrule shall not apply if an application submittal is not timely under the applicable provision of subrules (4) to (7) of this rule or administratively complete under subrule (2) of this rule or an additional information submittal is not timely or complete under subrule (3) of this rule. The loss of the application shield after the applicable time specified in this rule for a person to have filed a timely and administratively complete application for a renewable operating permit is grounds for enforcement action under the act. Any enforcement action pursuant to loss of the application shield shall consider the time period between the applicable deadline and when a person actually submits the required administratively complete application or additional information.

(2) An application submittal, including an application submittal for renewal or modification of a renewable operating permit, shall be considered an administratively complete application if it contains reasonable responses to all requests for information in the permit application form required by the department and a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete. The application form required by the department shall be consistent with the requirements of section 5507 of the act, except as provided for general renewable operating permits under R 336.1218. The application form shall also require a certification of compliance with all applicable requirements, a statement of methods used for determining compliance, including a description of monitoring, recordkeeping and reporting requirements, and test methods, and a statement indicating the stationary source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the clean air act. All of the following provisions apply to the administrative completeness of an application for a renewable operating permit:

(a) On and after November 1, 1995, the department shall notify the person who submitted the application for a renewable operating permit and the responsible official, in writing, regarding the administrative completeness of the application submittal. If the application submittal is considered not to be an administratively complete application by the department, then the notification shall specify the deficiency and all supplemental materials required for an administratively complete application. A person's response to a notification by the department of the incompleteness of an application shall include all of the supplemental materials requested by the department in the notification and a certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the response are true, accurate, and complete. All of the following provisions apply to department notification:

(i) If the department fails to notify a person that an application submittal, including the submittal of any supplemental materials requested by the department under this subdivision, is not administratively complete by the following deadlines, then the submittal shall be considered an administratively complete application as of the date the department received the submittal or the supplemental materials, whichever is later:

(A) By January 5, 1996, or within 60 days of the date the department receives the submittal, whichever is later, if the submittal is received on the paper forms specified by the department.

(B) By November 15, 1995, or within 15 days of the date the department receives the submittal, whichever is later, if the submittal is received in an electronic format specified by the department.

(ii) If a person submits all of the supplemental materials identified in a notification from the department under this subrule, then the application shall be considered administratively complete.

(iii) Except as provided in paragraph (i) of this subdivision, the date the department receives all information required for an administratively complete application, including all supplemental materials requested by the department under this subdivision, shall be the date of receipt of the administratively complete application.

(b) Any person who fails to submit any relevant facts or who has submitted incorrect information in an application for a renewable operating permit, including an application for renewal or modification of a renewable operating permit, shall, upon becoming aware of the failure or incorrect submittal, promptly submit all supplementary facts or corrected information. Each submittal of any relevant facts or corrected

information shall include a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the submittal are true, accurate, and complete.

(c) A person shall promptly provide any additional information necessary for an administratively complete application for any applicable requirements to which the stationary source becomes subject after the date that the person submitted the administratively complete application, but before release of a draft renewable operating permit for public participation under R 336.1214(3). For administratively complete applications submitted under subrule (4)(e) or (f) of this rule, the information required by this subrule may be maintained by the person and submitted to the department in accordance with the following schedule, unless the department specifically requests that information by an earlier date under subrule (3) of this rule:

(i) By January 1, 1998, for all applications for a renewable operating permit required to be submitted under subrule (4)(e) of this rule and for all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from October 16, 1996, to December 15, 1996.

(ii) By January 1, 1999, for all applications for a renewable operating permit required to be submitted under subrule (4)(f) of this rule and for all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from December 16, 1996, to February 28, 1997.

Each submittal of any additional information shall include a certification by the responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the submittal are true, accurate, and complete.

(3) After an application for a renewable operating permit has been determined by the department to be administratively complete, the department may require additional information, including information that was not requested on the application form. For the purpose of this subrule, additional information means information necessary to evaluate or take final action on the application, information needed to determine the applicability of any lawful requirement, information needed to enforce any lawful requirement, information needed to address any applicable requirements to which the stationary source becomes subject after the date that the person submitted the administratively complete application, but before release of a draft renewable operating permit for public participation under R 336.1214(3), or information needed to evaluate the amount of the annual air quality fee for the stationary source. A person's response to a request for additional information by the department shall include all of the information requested by the department in the request and a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the response are true, accurate, and complete. The person who submitted the application for a renewable operating permit for a stationary source shall furnish, within 30 days of the date of the request, any additional information requested, in writing, by the department, except as follows:

(a) A 30-day extension for a response shall be granted if the person requests that extension, in writing, during the initial 30-day time period.

(b) The person may request a longer period of time, in writing, specifying the reasons why 60 days was not reasonable for submitting the requested information.

(c) The department shall provide written notice to the person of the date of expiration of any time period for submittal of all requested additional information as a part of any request for additional information or upon granting a request for an extension.

Failure to submit additional information that has been requested in writing by the department by the expiration of the time period specified for response results in the loss of the application shield specified in subrule (1) of this rule.

(4) For a stationary source that is defined as a major source under R 336.1211(1)(a) on the effective date of this rule, an administratively complete application for a renewable operating permit shall be considered timely if it is received by the department on or before the following deadlines:

(a) By February 29, 1996, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 0600-0999 (agricultural services), 1500-1799 (construction), 1800-1999, 2000-2039 (food), 2100-2399 (tobacco and textiles), 2400-2499 (lumber and wood), 2950-2999 (asphalt), 3270-3289 (concrete, lime and gypsum products), 5000-5499 (services), or 5600-7499 (services). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(b) By May 15, 1996, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 3000-3099 (rubber and miscellaneous plastic), 5500-5599 (auto dealers and gas service), or 7500-7599 (auto repair). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(c) By July 30, 1996, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 3400-3599 (fabricated metal). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(d) By October 15, 1996, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 1300-1399 (oil and gas), 2051-2099 (bakeries and food), 2500-2599 (furniture), 2650-2699 (paper products), 3600-3699 (electronic), 4000-4899 (transportation), 7600-7999 (services), 8100-9999 (services). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(e) By December 15, 1996, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 1000-1299 (mining), 1400-1499 (nonmetallic mineral mining), 2040-2050 (grain mills and cereal), 2700-2799 (printing), 3100-3199 (leather), 3200-3269 (stone, clay, and glass), 3290-3299 (nonmetallic mineral products), 3700-3710 (transportation equipment), 3714-3799 (transportation equipment), 3800-3999 (miscellaneous manufacturing), 4900-4999 (gas, electric and sanitary services), 8000-8099 (medical). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(f) By February 28, 1997, for a major source, as defined by R 336.1211(1)(a), with a standard industrial classification (sic) code of 2600-2649 (paper mills), 2800-2899 (chemicals), 2900-2949 (petroleum refining), 3300-3399 (primary metal), 3711-3713 (automobile and truck assembly). For a major source that operates under multiple sic codes, the sic code that resulted in the most actual emissions of air contaminants from the major source during calendar year 1994 shall be the sic code used for the purposes of this subrule.

(g) Notwithstanding the deadlines specified in subdivisions (a) to (f) of this subrule, a person who owns or operates 2 or more stationary sources that are subject to the provisions of this rule may request, in writing, an alternate schedule for submittal of timely and administratively complete applications for renewable operating permits for those stationary sources. The proposed schedule shall provide that administratively complete applications for the stationary sources shall be submitted between the dates specified in subdivisions (a) to (f) of this subrule. If agreed to in writing by the department, the alternate schedule shall be the basis for determining whether an administratively complete application is timely pursuant to this rule.

(5) For a stationary source that becomes a major source, as defined by R 336.1211(1)(a), after the effective date of this rule, an administratively complete application shall be considered timely if it is received by the department not more than 12 months after the stationary source commences operation as a major source or by the applicable deadline specified in subrule (4)(a) to (f) of this rule, whichever is later. For the purposes of this subrule, commencing operation as a major source occurs upon commencement of trial operation of the new or modified emission unit that increased the potential to emit of the stationary source to more than or equal to the applicable major source definition specified in R 336.1211(1)(a).

(6) For a stationary source that is an affected source under title IV of the clean air act, a complete permit application for an initial phase II acid rain permit shall be considered timely if it is submitted by January 1, 1996, for sulfur dioxide and January 1, 1998, for nitrogen oxides.

(7) For renewal of a renewable operating permit, an administratively complete application shall be considered timely if it is received by the department not more than 18 months, but not less than 6 months, before the expiration date of the current renewable operating permit.

(8) For a stationary source that is not a major source under R 336.1211(1)(a), but is otherwise subject to the requirements of this rule under R 336.1211(1), a complete application is considered timely if it is received by the department in accordance with the following provisions, as applicable:

(a) For an affected source under R 336.1211(1)(b), on or before October 1, 1997.

(b) For a solid waste incineration unit under R 336.1211(1)(c), within 12 months of the date of the promulgation of an applicable requirement under section 129(a) of the clean air act.

(c) For a municipal solid waste landfill under R 336.1211(1)(d), by whichever is the later of the following dates:

(i) November 1, 1998.

(ii) Within 21 months of the effective date of R 336.1931 for implementing the provisions of 40 C.F.R. part 60, subpart Cc.

(iii) Within 15 months of the date the landfill becomes subject to any of the provisions of 40 C.F.R. part 60, subpart WWW.

(9) For modifications to a renewable operating permit, an administratively complete application shall be considered timely if it is received by the department in accordance with the time frames specified in R 336.1216.

(10) Failure to operate in compliance with all terms and conditions of an operating permit is grounds for enforcement action under the act, permit revocation or revision, or denial of a permit renewal application.

(11) Failure to halt or reduce an activity when necessary to comply with an operating permit is grounds for enforcement action.

(12) Submittal of a complete application for a renewable operating permit does not supersede or affect any requirements to obtain a permit to install under R 336.1201.

(13) A person who submits information to the department as a part of an application for a renewable operating permit under a claim of confidentiality, consistent with the requirements of 1976 PA 442, MCL §15.231 et seq., and known as the freedom of information act, shall submit a copy of the information directly to the United States environmental protection agency.

(14) Except as provided in this subrule, the department shall take final action on each administratively complete application for a renewable operating permit, including an application for permit renewal, within 18 months after the date of receipt by the department of an administratively complete application. The department shall take final action on each timely and administratively complete application for first time issuance of a renewable operating permit for major sources, submitted under subrule (4)(a) to (f) of this rule, in accordance with the following schedule:

(a) By February 28, 1997, for all applications for a renewable operating permit required to be submitted under subrule (4)(a) and (b) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date on or before May 15, 1996.

(b) By February 28, 1998, for all applications for a renewable operating permit required to be submitted under subrule (4)(c) and (d) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from May 16, 1996, to October 15, 1996.

(c) By February 28, 1999, for all applications for a renewable operating permit required to be submitted under subrule (4)(e) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from October 16, 1996, to December 15, 1996.

(d) By February 28, 2000, for all applications for a renewable operating permit required to be submitted under subrule (4)(f) of this rule and on all applications submitted under an alternate schedule under subrule (4)(g) of this rule with a submittal date from December 16, 1996, to February 28, 1997.

Rule 211 (R 336.1211) Renewable operating permit applicability.

Rule 211. (1) All of the following stationary sources are subject to the requirements of R 336.1210 to obtain, and only operate in compliance with, a renewable operating permit:

(a) Major sources as defined by any of the following criteria:

(i) A major source under section 112 of the clean air act, which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits, or has the potential to emit, in the aggregate, any of the following:

(A) Ten tons per year of any hazardous air pollutant that has been listed under section 112(b) of the clean air act.

(B) Twenty-five tons per year of any combination of hazardous air pollutants that have been listed under section 112(b) of the clean air act.

(C) A lesser quantity as the administrator of the United States environmental protection agency may establish by rule for any hazardous air pollutant listed under section 112(b) of the clean air act. The department shall maintain, and make available upon request, a list of the hazardous air pollutants for which a lesser quantity criteria has been established.

Emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources under this paragraph. For the purpose of this paragraph, the potential to emit of a stationary source for hazardous air pollutants includes fugitive emissions, regardless of the category of the stationary source.

(ii) A stationary source that directly emits, or has the potential to emit, 100 tons per year or more of any of the following:

- (A) Lead.
- (B) Sulfur dioxide.
- (C) Nitrogen oxides.
- (D) Carbon monoxide.
- (E) PM-10.
- (F) Ozone.
- (G) Volatile organic compounds.
- (H) Any air contaminant regulated under section 111 of title I of the clean air act.
- (I) Any class I and class II substances under title VI of the clean air act.

For the purpose of this paragraph, the fugitive emissions of a stationary source shall not be considered in determining whether the stationary source is a major source, unless the stationary source belongs to 1 of the categories listed in the definition of potential to emit in R 336.1116.

(iii) A major stationary source, as defined in part d of title I of the clean air act, including, for ozone nonattainment areas, stationary sources that have the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as marginal or moderate.

(b) Any affected source as defined in section 402 of the clean air act.

(c) Any solid waste incineration unit, as defined in section 129(g) of the clean air act, that is required to obtain a renewable operating permit under section 129(e) of the clean air act.

(d) Any municipal solid waste landfill that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters.

(e) Any stationary source in a source category designated by the administrator of the United States environmental protection agency under 40 C.F.R. §70.3.

(2) For the purposes of determining the applicability of R 336.1210, the potential to emit of a stationary source shall be the sum of the potential to emit of all process and process equipment located at the stationary source.

(3) The following stationary sources are exempted from the obligation to obtain a renewable operating permit under R 336.1210:

(a) All stationary sources and source categories for which the person owning or operating the stationary source would be required to obtain a permit solely because the stationary source is subject to 40 C.F.R. part 60, subpart AAA, standards of performance for new residential wood heaters.

(b) All stationary sources and source categories for which the person owning or operating the stationary source would be required to obtain a permit solely because the stationary source is subject to 40 C.F.R. part 61, subpart M, national emission standard for hazardous air pollutants for asbestos, §61.145, standard for demolition and renovation.

Rule 212(1)-(4) [R 336.1212(1)-(4)]

Rule 212. (1) A timely and administratively complete application for a stationary source subject to the requirements of R 336.1210 shall meet the requirements of subrule (2) of R 336.1210 and shall contain all information that is necessary to implement and enforce all applicable requirements that include a process-specific emission limitation or standard or to determine the applicability of those requirements.

(2) All of the following activities are considered to be insignificant activities at a stationary source and need not be included in an administratively complete application for a renewable operating permit:

(a) Repair and maintenance of grounds and structures.

(b) All activities and changes pursuant to R 336.1285(a) to (f); however, if any compliance monitoring requirements in the renewable operating permit would be affected by such change, then application shall be made to revise the permit pursuant to R 336.1216.

(c) All activities and changes pursuant to R 336.1287(f) to (h); however, if any compliance monitoring requirements in the renewable operating permit would be affected by such change, then application shall be made to revise the permit pursuant to R 336.1216.

(d) Use of office supplies.

(e) Use of housekeeping and janitorial supplies.

(f) Sanitary plumbing and associated stacks or vents.

(g) Temporary activities related to the construction or dismantlement of buildings, utility lines, pipelines, wells, earthworks, or other structures.

(h) Storage and handling of drums or other transportable containers that are sealed during storage and handling.

(i) Fire protection equipment, fire fighting and training in preparation for fighting fires. Prior approval by the department for open burning associated with training in preparation for fighting fires is required pursuant to R 336.1310.

(j) Use, servicing, and maintenance of motor vehicles, including cars, trucks, lift trucks, locomotives, aircraft, or watercraft, except where the activity is subject to an applicable requirement. The applicable requirement or the emissions of those air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements may include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii). For the purpose of this subdivision, the maintenance of motor vehicles does not include painting or refinishing.

(k) Construction, repair, and maintenance of roads or other paved or unpaved areas, except where the activities are subject to an applicable requirement. The applicable requirement or the emissions of the air contaminants addressed by the applicable requirement shall be included in a timely and administratively complete application pursuant to R 336.1210. Examples of applicable requirements include an applicable requirement for a fugitive dust control or operating program or an applicable requirement to include fugitive emissions pursuant to R 336.1211(1)(a)(ii).

(l) Piping and storage of sweet natural gas, including venting from pressure relief valves and purging of gas lines.

(3) The following process or process equipment need not be included in an administratively complete application for a renewable operating permit, unless the process or process equipment is subject to applicable requirements that include a process-specific emission limitation or standard:

(a) All cooling and ventilation equipment listed in R 336.1280.

(b) Cleaning, washing, and drying equipment listed in R 336.1281(a) to (f) and (i).

(c) Electrically heated furnaces, ovens, and heaters listed in R 336.1282(a).

(d) All other equipment listed in R 336.1283.

(e) Containers listed in R 336.1284(a), (c), (d), (h), and (j) to (m).

(f) Miscellaneous equipment listed in R 336.1285(h) to (p), (r) to (t), and (v) to (ii), except for externally vented equipment listed in R 336.1285(l)(vi).

- (g) All plastic processing equipment listed in R 336.1286.
- (h) Surface coating equipment listed in R 336.1287(b), (d), (e), (i), (j), and (k).
- (i) All oil and gas processing equipment listed in R 336.1288.
- (j) All asphalt and concrete production equipment listed in R 336.1289.

(4) Unless subject to a process-specific emission limitation or standard, all of the following process or process equipment need only be listed in an administratively complete application for a renewable operating permit. This list shall include a description of the process or process equipment, including any control equipment pertaining to the process or process equipment, the source classification code (SCC), and a reference to the subdivision of this subrule that identifies the process or process equipment:

- (a) Cleaning, washing, and drying equipment listed in R 336.1281(g) and (h).
 - (b) Fuel-burning furnaces, ovens, and heaters listed in R 336.1282.
 - (c) Containers listed in R 336.1284(b), (e), (f), (g), and (i).
 - (d) Miscellaneous process or process equipment listed in R 336.1285(g), (q), and (u) and externally vented process equipment listed in R 336.1285(l)(vi).
 - (e) Surface-coating equipment listed in R 336.1287(a) and (c).
 - (f) Process or process equipment which has limited emissions and which is listed in R 336.1290.
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Rule 213(3) [R 336.1213(3)]

(3) The renewable operating permit shall contain terms and conditions necessary to ensure that sufficient testing, monitoring, recordkeeping, reporting, and compliance evaluation activities will be conducted to determine the status of compliance of the stationary source with the emission limitations and standards contained in the renewable operating permit. The following provisions apply to testing, monitoring, recordkeeping, reporting, and compliance evaluation activities:

(a) With respect to testing and monitoring, each renewable operating permit shall contain terms and conditions necessary to ensure compliance with all of the following:

(i) The use of all emissions monitoring and analysis procedures or test methods required by the applicable requirements, including 40 C.F.R. part 64 and any other procedures and methods promulgated pursuant to sections 504(b) or 114(a)(3) of the clean air act. Title 40 C.F.R. part 64 is adopted by reference in R 336.1299. If more than 1 monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing requirements, provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that were not included in the permit as a result of such streamlining.

(ii) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, which may consist of recordkeeping designed to serve as monitoring, the use of periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the stationary source's compliance with the permit, as reported pursuant to subrule (3)(c) of this rule. The monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions shall be sufficient to meet the requirements of subrule (3)(b) of this rule.

(iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(b) With respect to recordkeeping, each renewable operating permit shall contain terms and conditions necessary to ensure compliance with the recordkeeping requirements specified in the applicable requirements. Each renewable operating permit shall also contain terms and conditions that require, where appropriate, both of the following:

(i) Records of any periodic emission or parametric monitoring that include all of the following information:

- (A) The date, location, time, and method of sampling or measurements.
- (B) The dates analyses of the samples were performed.
- (C) The company or entity that performed the analyses of the samples.
- (D) The analytical techniques or methods used.
- (E) The results of the analyses.
- (F) The related operating conditions or parameters that existed at the time of sampling or measurement.

(ii) Retention of records of all required monitoring data and support information for a period of not less than 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings, or other original data records, for continuous monitoring instrumentation and copies of all reports required by the renewable operating permit.

(c) With respect to reporting and the certification of reports, each renewable operating permit shall contain terms and conditions necessary to insure compliance with the reporting requirements specified in the applicable requirements. Except as provided subdivision (iii)(B) of this subdivision, any document, including reports, required to be submitted to the department as a term or condition of a renewable operating permit shall include a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Each renewable operating permit shall also contain terms and conditions for all of the following:

(i) The submittal of reports of any required monitoring at least once every 6 months. All instances of deviations from permit requirements during the reporting period shall be clearly identified in the reports. Each report submitted pursuant to this subdivision shall include a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.

(ii) The prompt reporting of deviations from permit requirements. Prompt reporting shall be defined as follows, unless otherwise provided in the renewable operating permit:

(A) For deviations that exceed the emissions allowed under the renewable operating permit, prompt reporting means reporting consistent with the requirements of R 336.1912. All reports submitted pursuant to this paragraph shall be promptly certified as specified in paragraph (iii) of this subdivision.

(B) For deviations which exceed the emissions allowed under the renewable operation permit and which are not reported pursuant to R 336.1912 due to the duration of the deviation, prompt reporting means the reporting of all deviations in the reports required by paragraph (i) of this subdivision. The report shall describe reasons for each deviation and the actions taken to minimize or correct each deviation.

(C) For deviations that do not exceed the emissions allowed under the renewable operating permit, prompt reporting means the reporting of all deviations in the reports required by paragraph (i) of this subdivision. The report shall describe the reasons for each deviation and the actions taken to minimize or correct each deviation.

(iii) For reports required pursuant to paragraph (ii) of this subdivision, prompt certification of the reports means either of the following:

(A) Submitting a certification by a responsible official with each report which states that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.

(B) Submitting, within 30 days following the end of a calendar month during which 1 or more prompt reports of deviations from the emissions allowed under the permit were submitted to the department pursuant to paragraph (ii) of this subdivision, a certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information contained in each of the reports submitted during the previous month were true, accurate, and complete. The certification shall include a listing of the reports that are being certified. Any report submitted pursuant to paragraph (ii) of this subdivision that will be certified on a monthly basis pursuant to this paragraph shall include a statement that certification of the report will be provided within 30 days following the end of the calendar month.

Rule 213(7) [R 336.1213(7)]

(7) Each renewable operating permit shall be issued for a fixed term of not more than 5 years. Renewable operating permits that have terms of less than 5 years may be issued with the agreement of the department and the permit applicant. The terms and conditions of a renewable operating permit for affected sources under title IV of the clean air act that address the requirements of title IV shall be issued for a term of 5 years. The date of expiration of the renewable operating permit shall be specified in the permit.

Rule 213(8) [R 336.1213(8)]

(8) A renewable operating permit shall include terms and conditions that allow a stationary source to switch its operation between reasonably anticipated operating scenarios if the scenarios have been identified by the stationary source in its application and found to be approvable by the department. The terms and conditions shall provide for all of the following:

- (a) Require the stationary source, contemporaneously with making a change from one operating scenario to another, to record, in a log at the stationary source, a record of the scenario under which the source is operating.
 - (b) Extend the permit shield described in subrule (6) of this rule to all terms and conditions under each approved operating scenario.
 - (c) Ensure that the terms and conditions of each approved alternative scenario meet all applicable requirements.
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Rule 281(h) [R 336.1281(h)] Permit to install exemptions; cleaning, washing, and drying equipment.

Rule 281. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (h) Cold cleaners that have an air/vapor interface of not more than 10 square feet.
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Rule 285(r) [R 336.1285(r)]

(r) Equipment used for any of the following metal treatment processes if the process emissions are only released into the general in-plant environment:

- (i) Surface treatment.
 - (ii) Pickling.
 - (iii) Acid dipping.
 - (iv) Cleaning.
 - (v) Etching.
 - (vi) Electropolishing.
 - (vii) Electrolytic stripping or electrolytic plating.
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Rule 287(c) [R 336.1287(c)] Permit to install exemptions; surface coating equipment.

Rule 287. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the following:

- (c) A surface coating line if all of the following conditions are met:

- (i) The coating use rate is not more than 200 gallons, as applied, minus water, per month.
- (ii) Any exhaust system that serves only coating spray equipment is supplied with a properly installed and operating particulate control system.
- (iii) Monthly coating use records are maintained on file for the most recent 2-year period and are made available to the air quality division upon request.

Rule 290 [R 336.1290] Permit to install exemptions; emission units with limited emissions.

Rule 290. The requirement of R 336.1201(1) to obtain a permit to install does not apply to any of the emission units listed in (a) if the conditions listed in (b), (c), and (d) are met. Notwithstanding the definition in R 336.1121(a), for the purpose of this rule, uncontrolled emissions are the emissions from an emission unit based on actual operation, not taking into account any emission control equipment. Controlled emissions are the emissions from an emission unit based on actual operation, taking into account the control equipment.

(a) An emission unit which meets any of the following criteria:

(i) Any emission unit that emits only noncarcinogenic volatile organic compounds or noncarcinogenic materials which are listed in R 336.1122(f) as not contributing appreciably to the formation of ozone, if the uncontrolled or controlled emissions of air contaminants are not more than 1,000 or 500 pounds per month, respectively.

(ii) Any emission unit that the total uncontrolled or controlled emissions of air contaminants are not more than 1,000 or 500 pounds per month, respectively, and all of the following criteria are met:

(A) For noncarcinogenic air contaminants, excluding noncarcinogenic volatile organic compounds and noncarcinogenic materials which are listed in R 336.1122(f) as not contributing appreciably to the formation of ozone, with initial threshold screening levels greater than or equal to 2.0 micrograms per cubic meter, the uncontrolled or controlled emissions shall not exceed 1,000 or 500 pounds per month, respectively.

(B) For noncarcinogenic air contaminants, excluding noncarcinogenic volatile organic compounds and noncarcinogenic materials which are listed in R 336.1122(f) as not contributing appreciably to the formation of ozone, with initial threshold screening levels greater than or equal to 0.04 micrograms per cubic meter and less than 2.0 micrograms per cubic meter, the uncontrolled or controlled emissions shall not exceed 20 or 10 pounds per month, respectively.

(C) For carcinogenic air contaminants with initial risk screening levels greater than or equal to 0.04 micrograms per cubic meter, the uncontrolled or controlled emissions shall not exceed 20 or 10 pounds per month, respectively.

(D) The emission unit shall not emit any air contaminants, excluding noncarcinogenic volatile organic compounds and noncarcinogenic materials which are listed in R 336.1122(f) as not contributing appreciably to the formation of ozone, with an initial threshold screening level or initial risk screening level less than 0.04 micrograms per cubic meter.

(iii) Any emission unit that emits only noncarcinogenic particulate air contaminants and other air contaminants that are exempted under paragraphs (i) or (ii) of this subdivision if all of the following provisions are met:

(A) The particulate emissions are controlled by an appropriately designed and operated fabric filter collector or an equivalent control system which is designed to control particulate matter to a concentration of less than or equal to 0.01 pounds of particulate per 1,000 pounds of exhaust gases and which do not have an exhaust gas flow rate more than 30,000 actual cubic feet per minute.

(B) The visible emissions from the emission unit are not more than 5% opacity in accordance with the methods contained in R 336.1303.

(C) The initial threshold screening level for each particulate air contaminant, excluding nuisance particulate, is more than 2.0 micrograms per cubic meter.

(b) A description of the emission unit is maintained throughout the life of the unit.

(c) Records of material use and calculations identifying the quality, nature, and quantity of the air contaminant emissions are maintained in sufficient detail to demonstrate that the emissions meet the emission limits outlined in this rule.

(d) The records are maintained on file for the most recent 2-year period and are made available to the air quality division upon request.